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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,900	08/18/2006	Eric Tarrerias	15472NP	2469
293 7590 03/10/2011 DOWELL & DOWELL P.C. 103 Oronoco St. Suite 220 Alexandria, VA 22314				
EXAMINER				
PATEL, BHARAT C				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
03/10/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/589,900

Applicant(s)

TARRERIAS, ERIC

Examiner

BHARAT C. PATEL

Art Unit

3724

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7 and 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/22/10 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-5, 7 and 10-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Droese 6,612,204.

Re claims 1, 10 and 12, Droese discloses a blade for a cutting tool and a method of fabricating a blade for a cutting tool, in particular for a knife, the blade being made of steel or an alloy of stainless steels and having at least one cutting edge extending over at least a portion of a periphery thereof per Fig. 1, per col. 5, lines 20-26, the method comprising the following steps:

a) making a blade body possessing at least three free edges provided in a vicinity of the at least one cutting edge 6 per Figs. 1-8;

- b) projecting a make-up material at 7 in the form of a powder onto one of the at least three free edges per col. 3, lines 62-67 and col. 4, lines 1-5, the hardness of the make-up material being greater than the hardness of the blade body per col. 3, lines 46-61; wherein said powder contains at least two elements as one to be high strength wear resistant alloy e.g. titanium, vanadium, molybdenum, and second as high melting carbides e.g. carbides, nitrides or oxides, connected together per col. 3, lines 45-60;
- c) subjecting the make-up material powder to a laser beam at the same time as projecting the make-up material powder so as to form a bead or strip on at least a portion of one of the at least three free edges so that the bead or strip melt instantaneously, with blade body to form an intimate bond per col. 3, lines 62-67, col. 4, lines 1-5, and col. 5, lines 30-35;
- d) after said intimate bond is formed, performing a hardening and tempering operation on the blade body and the bead or strip; wherein said blade body is fitted with the bead or strip of the make-up material per col. 4, lines 6-17; and
- e) forming the cutting edge in the bead or strip of make-up material so as to form a sharp edge per col. 4, lines 25-33.

It should be noted that Droese discloses per col. 3, lines 62-67 and col. 4, lines 1-5 that the make-up material in the powder form is projected or feed to the zone of the base material and in the second process step it is melted into the base material (per col. 3, lines 65-67).

Re claim 2, Droese discloses that one of the at least three free edges the at least one free edge is formed by a flat extending perpendicularly to a main plane of the blade body per Figs. 1-10.

Re claim 4, Droese discloses that the blade body 1 presents dimensions that are slightly smaller than those of the final blade 5 per Figs. 1-8.

Re claim 5, Droese discloses that the at least one cutting edge is made by grinding, machining, or abrading at least the bead or the strip of make-up material per col. 4, lines 35-33.

Re claim 7, Droese discloses that the blade body 1 is machined or ground before the step of forming the bead of make-up material. The blade body is formed per Fig. 1 (and thus machined of some sort) prior to receiving the added cutting material.

Re claim 11, Droese discloses that the blade wherein the at least one cutting edge and the blade body are made of at least two different materials. Examiner notes that the blade body of Droese is made of a form of steel and the cutting edge is made up of a secondary metal with hard particles (see column 3 lines 34-53).

Re claims 13-21, Droese discloses that the at least two elements are connected together by inclusion, agglomeration as alloying and solidification and a binder as high-melting additive per col. 3, lines 21-67; col. 4, lines 1-5, and col. 5, lines 30-35. Droese discloses group of higher wear resistant material and group of high melting carbides/additives to be included in the laser beam alloying process that further agglomerate by rapid solidification by utilizing a binder. The Applicant has not specifically defined and claimed the specific and definite properties of the two elements

and a binder. Therefore, Examiner considers that Droese satisfies the claimed subject matter.

Response to Arguments

4. Applicant's arguments filed 11/22/10 have been fully considered but they are not persuasive. In the Remarks, Applicant argues that Droese does not anticipate that the powder of the make-up material is a combination of "at least two elements connected together".

In response to the above argument, Examiner respectfully disagrees. It should be noted that Applicant has not claimed the specific material of the make-up material of the powder. As discussed above in the rejection of claims 1, 10 and 12, Droese discloses that the powder is made up of at least of two material such as one to be high strength wear resistant alloy e.g. titanium, vanadium, molybdenum, and second as high melting carbides e.g. carbides, nitrides or oxides, connected together per col. 3, lines 45-60. Therefore, examiner considers that Droese satisfies the claimed subject matter.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/
Examiner, Art Unit 3724
3/8/11.

/Ghassem Alie/
Primary Examiner, Art Unit 3724